

FIFTY-FIFTH DAY

(Wednesday, April 16, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Hon. G. H. Little.

The roll of the House was called and the following Members were present:

Mr. Speaker	Gandy
Allen	Garland
Allison	Gilmer
Alsup	Goodman
Avant	Halsey
Bailey	Hanna
Baker	Hardeman
Bean	Hargis
Bell	Harris of Dallas
Benton	Harris of Hill
Blankenship	Hartzog
Boone	Heflin
Brawner	Helpinstill
Bray	Henderson
Bridgers	Hobbs
Brown	Howard
Bruhl	Howington
Bullock	Hoyo
Bundy	Huddleston
Burkett	Huffman
Burnaman	Hughes
Carlton	Humphrey
Carrington	Hutchinson
Cato	Isaacks
Celaya	Jones
Chambers	Kelly
Clark	Kennedy
Cleveland	Kersey
Coker	Kinard
Colson, Mrs.	King
Connelly	Knight
Craig	Lansberry
Crossley	Lehman
Crosthwait	Leyendecker
Daniel	Little
Davis	Lock
Deen	Love
Dickson of Bexar	Lowry
Dickson of Nolan	Lucas
Donald	Lyle
Dove	McAlister
Duckett	McCann
Dwyer	McDonald
Ellis	McGlasson
Eubank	McLellan
Evans	McMurry
Favors	McNamara
Ferguson	Manford
Files	Manning
Fitzgerald	Markle
Fuchs	Martin

Matthews	Sharpe
Mills	Shell
Montgomery	Simpson
Moore	Skiles
Morgan	Smith of Bastrop
Morris	Smith of Atascosa
Morse	Spacek
Murray	Spangler
Pace	Stanford
Parker	Stinson
Pevehouse	Stubbs
Phillips	Taylor
Price	Thornton
Rampy	Turner
Reed of Bowie	Vale
Reed of Dallas	Voigt
Ridgeway	Walters
Rhodes	Wattner
Roark	Weatherford
Roberts	White
Sallas	Whitesides
Senterfitt	Winfree

Absent—Excused

Anderson	Klingeman
Hileman	Nicholson

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, how small and weak we must be in Thy sight! Yet Thou knowest our frame, Thou rememberest that we are dust, and of Thine own unwasted fulness Thou hast greatly blest us. Give us wisdom to use our opportunities well, remembering our holy obligations to our fellowmen and to Thee. In Jesus' name." Amen.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Klingeman for today on motion of Mr. Thornton.

Mr. Anderson for today and the balance of this week on account of important State business, on motion of Mr. Reed of Dallas.

The following Members were granted leaves of absence on account of illness:

Mr. Hileman for today on motion of Mr. Fitzgerald.

Mr. Nicholson for today on motion of Mr. Burkett.

MOTION TO INTRODUCE HOUSE JOINT RESOLUTION

Mr. Garland moved to introduce the following House Joint Resolution:

By Mr. Garland:

H. J. R. No.—, Proposing an amendment to Section 26, of Article III of the Constitution of Texas, so as to authorize the apportionment of members of the House of Representatives among the several counties of political subdivisions thereof.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—86

Allen	Lansberry
Allison	Lehman
Alsup	Leyendecker
Avant	Lock
Bailey	Love
Baker	Lucas
Bell	Lyle
Boone	McCann
Brawner	McDonald
Bray	McLellan
Bridgers	McMurry
Burkett	Manning
Carrington	Martin
Cato	Matthews
Cleveland	Mills
Colson, Mrs.	Montgomery
Connelly	Moore
Craig	Morgan
Crossley	Morris
Crosthwait	Morse
Daniel	Murray
Dickson of Bexar	Parker
Donald	Price
Duckett	Rampy
Dwyer	Reed of Bowie
Evans	Roberts
Files	Sallas
Fitzgerald	Senterfitt
Fuchs	Sharpe
Garland	Simpson
Goodman	Skiles
Hanna	Smith of Bastrop
Hardeman	Spacek
Harris of Hill	Spangler
Hartzog	Stanford
Heflin	Stubbs
Hoyo	Taylor
Huddleston	Thornton
Isaacks	Vale
Kelly	Voigt
Kennedy	Weatherford
Kersey	Whitesides
Knight	Winfree

Nays—36

Benton	Helpinstill
Brown	Henderson
Bruhl	Hobbs
Bullock	Howington
Carlton	Huffman
Clark	Hughes
Coker	Jones
Davis	Lowry
Deen	McAlister
Dickson of Nolan	McGlasson
Ellis	McNamara
Eubank	Markle
Favors	Pace
Ferguson	Ridgeway
Gandy	Rhodes
Gilmer	Smith of Atascosa
Halsey	Stinson
Hargis	Turner

Absent

Bean	King
Blankenship	Little
Bundy	Manford
Burnaman	Pevehouse
Celaya	Phillips
Chambers	Reed of Dallas
Dove	Roark
Harris of Dallas	Shell
Howard	Walters
Humphrey	Wattner
Hutchinson	White
Kinard	

Absent—Excused

Anderson	Klingeman
Hileman	Nicholson

BILL ORDERED PRINTED ON MINORITY REPORT

Mr. Matthews moved that House Bill No. 320 reported adversely with a minority favorable report, be printed.

The motion prevailed by the following vote:

Yeas—100

Allen	Burnaman
Allison	Carrington
Avant	Cato
Baker	Celaya
Bell	Connelly
Benton	Craig
Bray	Crossley
Bruhl	Crosthwait
Bullock	Daniel
Bundy	Davis
Burkett	Deen

Dickson of Bexar	McMurry
Donald	McNamara
Dove	Manford
Duckett	Manning
Eubank	Martin
Evans	Matthews
Favors	Mills
Ferguson	Montgomery
Fitzgerald	Moore
Fuchs	Morgan
Gandy	Morse
Garland	Murray
Goodman	Pace
Hardeman	Pevehouse
Hargis	Phillips
Hartzog	Price
Heflin	Rampy
Helpinstill	Reed of Bowie
Henderson	Reed of Dallas
Hobbs	Ridgeway
Hoyo	Rhodes
Huddleston	Roark
Isaacks	Sallas
Jones	Senterfitt
Kelly	Sharpe
Kennedy	Shell
King	Smith of Bastrop
Knight	Smith of Atascosa
Lansberry	Spacek
Leyendecker	Spangler
Lock	Stubbs
Love	Thornton
Lowry	Turner
Lucas	Vale
Lyle	Walters
McCann	Weatherford
McDonald	White
McGlasson	Whitesides
McLellan	Winfree

Nays—23

Alsup	Hughes
Bailey	Hutchinson
Brown	Kersey
Carlton	Kinard
Clark	McAlister
Cleveland	Markle
Coker	Morris
Dickson of Nolan	Parker
Ellis	Roberts
Halsey	Stanford
Hanna	Wattner
Howington	

Absent

Bean	Colson, Mrs.
Blankenship	Dwyer
Boone	Files
Brawner	Gilmer
Bridgers	Harris of Dallas
Chambers	Harris of Hill

Howard	Skiles
Huffman	Stinson
Humphrey	Taylor
Lehman	Voigt
Simpson	

Absent—Excused

Anderson	Klingeman
Hileman	Nicholson

Mr. Matthews moved to reconsider the vote by which House Bill No. 320 was ordered printed on minority report and to table the motion to reconsider.

The motion to table prevailed.

(Speaker in the Chair).

COMMUNICATIONS

The Speaker laid before the House, and had read the following communications:

1941 Apr 16 a m 9 53
DAZ19 23 1 Extra,
Pampa Tex 16 912A

Honorable Ennis Favors, House of Representatives Austin Tex

Please extend public invitation to House of Representatives to attend our annual banquet Saturday evening April Nineteenth in Herring Hotel Amarillo Texas

PANHANDLE PRODUCERS AND
ROYALTY OWNERS ASSN
MEL B DAVIS President.

Galveston, Texas,
April 14, 1941.

Mr. Homer Leonard, Speaker House of Representatives, Austin, Texas.

Dear Homer: I would be deeply grateful if you would extend to the members of the House my sincere appreciation for their action in suspending the rule and extending to me the privileges of the floor when I was in Austin the other day. To me this was a distinct honor which I shall never forget.

With every good wish, I am,
Sincerely yours,

E. H. THORNTON, Jr.

MEMORIALIZING CONGRESS IN
REGARD TO ERADICATION
OF PINK BOLLWORM

Mr. Fuchs offered the following resolution:

H. C. R. No. 90, Memorializing Congress in Regard to Eradication of Pink Bollworm.

Whereas, Agricultural economists have advanced the claim that crop pests and crop disease costs the American farmers four billion dollars annually through depredations upon the growing plant and its fruitage; and

Whereas, Texas is the largest of the cotton growing States of the Union and her cotton growers are now confronted with a possible further spread of the pink bollworm, an insect which either completely destroys the fruit of the plant or damages to such an extent as to reduce the grade to an unsalable basis, and threatens the destruction of the State's and the Nation's greatest fiber industry; and

Whereas, The Federal Government has aided the cotton growers of Texas and the Nation by making appropriations from time to time to aid in the eradication and control of the pink bollworm, which if not controlled and confined to its present infested area would jeopardize the entire cotton industry of the State and Nation; now, therefore, be it

Resolved, by the House of Representatives of the Texas Legislature, the Senate concurring, That the Federal Government be and is hereby commended for its past contributions toward the control and eradication of the pink bollworm, and its further aid in the control and eradication of other crop pests, all of which has resulted in the pink bollworm being confined to a small area along the Texas-Mexico border; and that the Legislature of Texas urge upon the Congress of the United States the necessity of continuing suitable Federal appropriations for pest control and eradication, and more especially for the control and eradication of the pink bollworm; and

Be it further resolved, That a copy of this resolution be furnished the individual members of the Texas Delegation in the Congress of the United States and that they be and are hereby urged to use their influence to obtain suitable appropriations to meet the emergencies that now exist in Texas, relative to the

production of cotton, thus enabling the cotton farmers of Texas to be better prepared to assist in the Nation's Preparedness Program.

FUCHS,
CHAMBERS,
CELAYA,
DEEN,
DOVE,
HOWINGTON,
VALE,
LEYENDECKER,
HUFFMAN,
FILES,
RHODES,
EVANS.

The resolution was read second time and was adopted.

ADOPTION OF CONFERENCE
COMMITTEE REPORT ON
H. C. R. NO. 78

Mr. Parker submitted the following Conference Committee Report on House Concurrent Resolution No. 78:

Austin, Texas, April 14, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives;
Hon. Coke R. Stevenson, President of the Senate.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and the Senate on House Concurrent Resolution No. 78, advise that we have adjusted said differences, and recommend the adoption of the resolution attached hereto.

PARKER,
RAMPY,
McMURRY,
BAILEY,
CHAMBERS,

On the part of the House.

MOFFETT,
WEINERT,
LANNING,
METCALFE,

On the part of the Senate.

By Mr. Parker:

H. C. R. No. 78,

Whereas, The State Highway Department of Texas has a large quantity of discarded wire mesh guard fence in its various warehouses; and

Whereas, The citizens of Olney

and Newcastle are trying to preserve their respective cemeteries, and also the cemetery in the Community of True, all in Young County; and

Whereas, It is deemed necessary to fence these cemeteries to protect them from public intrusion and damage to plantings; and

Whereas, It will be a great accommodation to these communities if said Highway Department permits said citizens the use of the discarded wire mesh guard fence hereinabove mentioned for the purpose of fencing the grounds of these cemeteries; now

Therefore, be it resolved, by the House of Representatives, the Senate concurring, That the State Highway Department of Texas be authorized to lend to the citizens of Olney and Newcastle eighteen hundred (1800) feet of the discarded wire mesh guard fence hereinabove mentioned for the purpose as hereinabove set out, at the True Cemetery, and as much as thirty-two hundred (3200) feet for the Newcastle Cemetery, if the latter is available after the True Cemetery has secured the amount of wire assigned to it; said citizens to return such wire upon request of the State Highway Department, and it is so resolved.

On motion of Mr. Parker, the report was adopted by the following vote:

Yeas—129

Allen	Chambers
Allison	Clark
Alsup	Cleveland
Avant	Coker
Bailey	Colson, Mrs.
Baker	Connelly
Benton	Craig
Boone	Crossley
Brawner	Crosthwait
Bray	Daniel
Bridgers	Davis
Brown	Deen
Bruhl	Dickson of Bexar
Bullock	Dickson of Nolan
Burkett	Dove
Carlton	Duckett
Carrington	Dwyer
Cato	Ellis
Celaya	Eubank

Evans
Favors
Ferguson
Files
Fitzgerald
Gandy
Gilmer
Goodman
Halsey
Hardeman
Hargis
Harris of Dallas
Harris of Hill
Hartzog
Heflin
Helpinstill
Hobbs
Howard
Howington
Hoyo
Huddleston
Huffman
Hughes
Humphrey
Hutchinson
Isaacks
Jones
Kelly
Kennedy
Kersey
Knight
Lansberry
Lehman
Leyendecker
Little
Lock
Love
Lowry
Lucas
Lyle
McAlister
McDonald
McGlasson
McLellan
McMurry
McNamara

Manford
Manning
Markle
Martin
Matthews
Mills
Montgomery
Moore
Morgan
Morris
Morse
Murray
Pace
Parker
Pevehouse
Phillips
Price
Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Rhodes
Roark
Roberts
Sallas
Senterfitt
Sharpe
Shell
Simpson
Smith of Bastrop
Smith of Atascosa
Spacek
Spangler
Stanford
Stinson
Stubbs
Thornton
Turner
Vale
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Absent

Bean	Hanna
Bell	Henderson
Blankenship	Kinard
Bundy	King
Burnaman	McCann
Donald	Skiles
Fuchs	Taylor
Garland	Voigt

Absent—Excused

Anderson	Klingeman
Hileman	Nicholson

MESSAGE FROM THE SENATE

Austin, Texas, April 16, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 904, A bill to be entitled "An Act making an appropriation of the sum of Three Hundred Thousand Dollars (\$300,000), or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expense, and to pay the mileage and per diem of Members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

The Senate has adopted the Conference Committee report on House Concurrent Resolution No. 78 by viva-voce vote.

Senate grants the request of the House for the return of House Bill No. 654.

Senate adopted Senate Concurrent Resolution No. 39, In Memory of Judge George E. Christian.

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 831 ON SECOND READING

(By Unanimous Consent)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 831, A bill to be entitled "An Act enabling cities and incorporated villages to pass zoning regulations limiting the height of structures and objects of natural growth, and otherwise regulating the use of property within three thousand (3,000) feet of the exterior limits of airports owned by such cities and incorporated villages, either within or without their city limits; and declaring an emergency."

The bill was read second time.

Mr. Simpson offered the following amendments to the bill:

Amend House Bill No. 831, Section III (1) so that the same shall hereafter read as follows:

"Every city or incorporated village of more than one hundred and twenty-five thousand (125,000) population and less than two hundred and twenty-five thousand (225,000), according to the last preceding Federal Census, owning an airport within or without its city limits may adopt, administer and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for a distance of three thousand (3,000) feet from the exterior limits of its airport, which regulations shall divide the area surrounding the airport into zones and may, within such zones, specify the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow. In adopting or revising any such zoning regulations, the city or incorporated village shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain, the height of existing structures and trees above the level of the airport, the possibility of lowering or removing existing obstructions, and the views of the agency of the Federal Government charged with the fostering of civil aeronautics, as to the aerial approaches necessary to safe flying operations at the airport."

Amend House Bill No. 831 by striking out all of paragraph (3) of Section III.

Amend House Bill No. 831, Section IV (1), by re-writing the first sentence of such paragraph to hereafter read as follows:

"Where advisable to facilitate the enforcement of zoning regulations pursuant to this act, a system may be established by any city or incorporated village coming under the provisions of this Act for the granting of permits to establish or construct new structures and other uses, and to replace existing structures and other uses, or make substantial changes therein or substantial repairs thereof."

Amend caption to House Bill No. 831 to hereafter read as follows:

"An Act enabling cities and incorporated villages of more than one hundred and twenty-five thousand (125,000) population and less than two hundred and twenty-five thousand (225,000), according to the last preceding Federal Census, to pass zoning regulations limiting the height of structures and objects of natural growth, and otherwise regulating the use of property within three thousand (3,000) feet of the exterior limits of airports owned by such cities and incorporated villages, either within or without their city limits; and declaring an emergency."

The amendments were severally adopted.

House Bill No. 831 was then passed to engrossment.

HOUSE BILL NO. 831 ON THIRD READING

Mr. Simpson moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 831 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—128

Allen	Crothwait
Allison	Daniel
Alsup	Davis
Avant	Deen
Bailey	Dickson of Bexar
Baker	Dickson of Nolan
Bell	Duckett
Benton	Ellis
Boone	Eubank
Bray	Evans
Bridgers	Favors
Brown	Ferguson
Bruhl	Files
Bullock	Fitzgerald
Burkett	Fuchs
Burnaman	Gandy
Carlton	Gilmer
Carrington	Goodman
Cato	Halsey
Celaya	Hanna
Chambers	Hardeman
Clark	Hargis
Cleveland	Harris of Dallas
Coker	Hartzog
Colson, Mrs.	Heflin
Connelly	Helpinstill
Crossley	Hobbs

Howard	Morgan
Howington	Morris
Hoyo	Morse
Huddleston	Murray
Huffman	Pace
Hughes	Parker
Humphrey	Pevehouse
Hutchinson	Phillips
Isaacks	Price
Jones	Rampy
Kelly	Reed of Bowie
Kennedy	Reed of Dallas
Kersey	Ridgeway
Kinard	Rhodes
Knight	Roark
Lansberry	Roberts
Lehman	Sallas
Leyendecker	Senterfitt
Little	Sharpe
Lock	Shell
Love	Simpson
Lowry	Smith of Bastrop
Lucas	Smith of Atascosa
Lyle	Spacek
McAlister	Spangler
McCann	Stanford
McDonald	Stinson
McGlasson	Stubbs
McLellan	Taylor
McMurry	Thornton
McNamara	Turner
Manford	Vale
Manning	Walters
Markle	Wattner
Martin	Weatherford
Matthews	White
Mills	Whitesides
Montgomery	Winfree
Moore	

Present—Not Voting

Craig

Absent

Bean	Garland
Blankenship	Harris of Hill
Brawner	Henderson
Bundy	King
Donald	Skiles
Dove	Voigt
Dwyer	

Absent—Excused

Anderson	Klingeman
Hileman	Nicholson

The Speaker then laid House Bill No. 831 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—131

Allen	Humphrey
Allison	Hutchinson
Alsup	Isaacks
Avant	Jones
Bailey	Kelly
Baker	Kennedy
Bell	Kersey
Benton	Kinard
Boone	Knight
Bray	Lansberry
Bridgers	Lehman
Brown	Leyendecker
Bruhl	Little
Bullock	Lock
Burkett	Love
Burnaman	Lowry
Carlton	Lucas
Carrington	Lyle
Cato	McAlister
Celaya	McCann
Chambers	McDonald
Clark	McGlasson
Cleveland	McLellan
Coker	McMurry
Colson, Mrs.	McNamara
Connelly	Manford
Crossley	Manning
Crosthwait	Markle
Daniel	Martin
Davis	Matthews
Deen	Mills
Dickson of Bexar	Montgomery
Dickson of Nolan	Moore
Duckett	Morgan
Ellis	Morris
Eubank	Morse
Evans	Murray
Favors	Pace
Ferguson	Parker
Files	Pevehouse
Fitzgerald	Phillips
Fuchs	Price
Gandy	Rampy
Gilmer	Reed of Bowie
Goodman	Reed of Dallas
Halsey	Ridgeway
Hanna	Rhodes
Hardeman	Roark
Hargis	Roberts
Harris of Dallas	Sallas
Hartzog	Senterfitt
Heflin	Sharpe
Helpinstill	Shell
Hobbs	Simpson
Howard	Smith of Bastrop
Howington	Smith of Atascosa
Hoyo	Spacek
Huddleston	Spangler
Huffman	Stanford
Hughes	Stinson

Stubbs	Wattner
Taylor	Weatherford
Thornton	White
Turner	Whitesides
Vale	Winfree
Walters	

Present—Not Voting

Craig

Absent

Bean	Garland
Blankenship	Harris of Hill
Brawner	Henderson
Bundy	King
Donald	Skiles
Dove	Voigt
Dwyer	

Absent—Excused

Anderson	Klingeman
Hileman	Nicholson

HOUSE BILL NO. 193 ON SECOND
READING

(By Unanimous Consent)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 193, A bill to be entitled "An Act defining publication, newspaper, political sub-division, district and certain mandatory expressions; designating persons to select newspapers in which publications are to be inserted; fixing a legal rate for publications in newspapers; providing for the publication of notes, proclamations, advertising, and citations in newspapers; repealing conflicting provisions of Articles 3, 29, 1154, 3311, 3334, 3808, 4203, 7206, 7276, 7342 and 7624 of the Revised Civil Statutes, of Article 4115 of the Revised Civil Statutes as amended by Acts of 1935, 44th Legislature, Chapter 254, Section 1, of Acts of 1925, 39th Legislature, Chapter 161, Sections 2 through 6, of Acts of 1933, 43rd Legislature, 1st Called Session, Chapter 84, Section 1, and of Acts of 1937, 45th Legislature, Chapter 506; repealing all parts of laws in conflict; providing a rule of construction; and declaring an emergency."

The bill was read second time.

Mr. Taylor offered the following Committee Amendment to the bill:

Amend House Bill No. 193 by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. That Articles 28a, 29 and 29a of Title 1 of the Revised Civil Statutes of the State of Texas shall be and are hereby amended so as to clarify and amend the statutes relating to legal publications and the manner in which they shall be made in the State of Texas, and amending such articles so that they shall from henceforth read, as follows:

Article 28a: Legal Publications, Definitions. The following terms shall, unless the context indicates otherwise, have the following respective meanings:

(1) The term "publication" shall mean any proclamation, notice, citation, advertisement, or other matter required or authorized by law to be printed in a newspaper or newspapers by any institution, board, commission, department, officer, agent, representative or employee of the State or any subdivision or department of the State, or of any county, political subdivision, or district of whatever nature within the State, whether to be paid for out of public funds or charged as costs or fees.

(2) The term "newspaper" shall mean any newspaper devoting not less than twenty-five (25) per cent of its total column lineage to the carrying of items of general interest, published not less frequently than once each week, entered as second-class postal matter in the county where published, and having been regularly and continuously for not less than twelve (12) months prior to the making of any publication mentioned in this Act.

(3) The term "political subdivision" shall include cities, towns and villages, but this definition shall not be exclusive.

(4) The term "district" shall include school districts of every kind, road districts, drainage districts, irrigation districts, levee improvement districts, conservation and reclamation districts, and improvement districts of every kind, but this definition shall not be exclusive.

(5) The term "shall" whenever used in this Act shall be construed

as indicating mandatory provisions in this Act.

(6) The officer, employee, agency, or persons charged with the duty of inserting any publication in a newspaper or newspapers shall select the newspaper or newspapers in which such publication is to be inserted.

Article 29: Legal Rate of Publication. Wherever any publication, as publication is defined in Section 1 hereof, is authorized or required by any law, general or special, to be inserted in a newspaper, the legal rate which such newspaper shall charge for such publication shall be two cents (2¢) per word for the first insertion of such publication, and one cent (1¢) per word for such subsequent insertion, or such newspaper shall be entitled to charge for such publication at a rate equal to but not in excess of the lowest published word or line rate of that newspaper for classified advertising.

All bills for publication shall be accompanied by a certificate of the publisher, under oath, certifying the number of publications and the dates thereof, together with the clipping of said publication from an issue of said newspaper. The Board of Control, or any district or county official charged with the publication of any notice required by law to be published, is hereby fully authorized and empowered to cancel any contract made by them, or either of them, in the event said Board or official may ascertain or determine that a higher rate is being charged by said newspaper than provided for herein. All political advertising shall be done at the same rate as legal notices, and under the same supervision and regulations. Political advertising shall include the announcements for public office.

Without intending to exclude any other publication to which this Act applies, it is specially provided that this Act shall apply to all citations or notices which are required to be published or may be published in delinquent tax suits and to notices of sale of real estate under execution, order of sale, or any other judicial sale provided for in Articles 3808, 4203, 7276 and 7342 of the Revised Civil Statutes.

Article 29a: Official Publications. After the effective date of

this Act, in every case where any law, general or special, requires the giving of any notice, the making of any proclamation or advertisement or the service of any citation by any institution, board, commission, department, officer, agent, representative, or employee of the State or of any subdivision or department of the State or of any county, political subdivision, or district of whatever nature within the State by publication in a newspaper, the giving of such notice, the making of such proclamation, or advertisement, or the service of such citation shall be by publication in a newspaper, as defined in Section 1 of this Act. If any such law or laws specifies the manner of publication of such notice, proclamation, advertisement or citation in a newspaper, such law or laws shall govern the manner of publication of such notice, proclamation, advertisement, or citation. If the manner of publication of such notice, proclamation, advertisement, or citation is not prescribed by the law or requiring such notice to be given, such proclamation or advertisement to be made, or such citation to be served, then publication of such notice, proclamation, advertisement, or citation shall be made in a newspaper subject to the following restrictions and requirements:

(1) When the number of insertions of a publication is not specified by the law or laws requiring or authorizing such publication, such publication shall be inserted in some newspaper for at least one issue of such newspaper.

(2) If the period of time required for the giving of any notice, the making of any proclamation or advertisement, or the service of any citation is specified by the law or laws requiring or authorizing the giving of such notice, the making of such proclamation or advertisement, or the service of such citation, then the provisions of such law or laws shall be compiled with as to such period of time in all publications made under the provisions of this Act.

(3) If the period of time referred to in Paragraph 2 of this Article is not specified in the law or laws referred to therein, then such publication shall be in some newspaper issued at least one day prior

to the happening of the events referred to in such publication.

(4) In every case where any notice, proclamation, or advertisement is required to be given by any district or political subdivision within the State, such notice or proclamation shall be given or made by publication in some newspaper published in such district or political subdivision, if there be such newspaper which will make such publication at a price not in excess of the maximum prescribed by this Act, but if there be no such newspaper, then such publication shall be made in any newspaper published in the county in which said district or political subdivision is situated, or, if there be no newspaper in such county which will make such publication at a price not in excess of the maximum prescribed by this Act, then such notice shall be posted at the courthouse door of said county.

(5) In every case where any notice, proclamation or advertisement is required to be given or made by any county, such notice, proclamation, or advertisement shall be given or made by publication in some newspaper published in the county, if there be such newspaper which will make such publication as a price not in excess of the maximum prescribed by this Act, but if there be no such newspaper published in the county, then such notice shall be made by posting a copy of same at the courthouse door of said county.

In every case where the service of any citation or notice in any case, controversy, suit, or proceeding in any of the courts of the State is required to be by publication under the provisions of any general or special law of this State, such publication shall be published as required by the general or special law providing for such notice by publication.

In every case, controversy, proceeding, or suit in any of the courts of the State where the service of citation or notice is required to be made by publication under any general or special law of this State and in which case, controversy, proceeding, or suit the State or any political subdivision or district thereof is a party and in which case, controversy, proceeding, or suit the cost of publication of such citation or notice is

to be charged as fees or costs, the refusal of any newspaper to make publication of such citation or notice without payment of the cost of such publication in advance of publication shall be deemed as unqualified refusal to publish such citation or notice, and the sworn statement of the publisher or person offering to insert such publication shall be subject to record as proof of such refusal.

Sec. 2. Article 3808 of Title 56 of the Revised Civil Statutes of the State of Texas shall be and the same is hereby amended so as to read as follows:

Article 3808. Notice of Sale of Real Estate. The time and place of sale of real estate under execution, order of sale, or venditioni exponas, shall be advertised by the officer by having the notice thereof published in the English language once a week for three consecutive weeks preceding such sale, in some newspaper published in said county. The first of said publications shall appear not less than twenty (20) days immediately preceding the day of sale. Said notice shall contain a statement of the authority by virtue of which the sale is to be made, the time of levy, and the time and place of sale; it shall also contain a brief description of the property to be sold, and shall give the number of acres, original survey, locality in the county, and the name by which the land is most generally known, but it shall not be necessary for it to contain field notes. Publishers of newspapers shall charge the legal rate of two (2¢) cents per word for the first insertion of such publication and one (1¢) cent per word for such subsequent insertions, or such newspaper shall be entitled to charge for such publication at a rate equal to but not in excess of the published word or line rate of that newspaper for such class of advertising. If there be no newspaper published in the county, or none which will publish the notice of sale for the compensation herein fixed, the officer shall then post such notice in writing in three public places in the county, one of which shall be at the courthouse door of such county, for at least twenty (20) days successively next before the day of sale. The officer making the levy shall give the defendant or his attorney

written notice of such sale, either in person or by mail, which notice shall substantially conform to the foregoing requirements.

Sec. 3. Article 4203 of Chapter 8, Title 69 of the Revised Civil Statutes shall be and the same is hereby amended so as to conform with the other provisions of this Act by reenacting the same as amended as follows:

Article 4203. Notice of Sale of Real Estate. The time and place of making a public sale of real estate by a guardian under an order of the court shall be advertised by the officer by having notice thereof published in the English language once a week for three consecutive weeks preceding such sale in some newspaper published in the county where the land is situated. The first of said publications shall appear not less than twenty (20) days immediately preceding the day of sale; said notice shall contain a statement of the authority by virtue of which the sale is to be made, and the time and place of sale. It shall also contain a brief description of the property to be sold, the number of acres of original survey, locality in the county and the name by which the land is most generally known. It shall not contain the field notes. If no newspaper is published in the county, or if published in the county refuses to publish the notice, the officer shall post notices in writing in three public places in the county, one of which shall be at the courthouse door, for at least twenty (20) days successively next before the day of the sale. The publisher's fee shall be two (2¢) cents per word for the first insertion of such publication and one (1¢) cent per word for each subsequent insertion, or such newspaper shall be entitled to charge for such publication at a rate equal to but not in excess of the lowest published word or line rate of that newspaper for classified advertising, which fee shall be taxed as part of the costs in such proceeding.

Sec. 4. Article 7276 of Chapter 8, Title 122 of the Revised Civil Statutes of Texas shall be and the same is hereby amended so as to conform with the other provisions of this Act by reenacting the same as amended as follows:

Article 7276. Advertisement of

Real Property for Sale. In making sales of real property for taxes, the collector shall advertise the same for sale in some newspaper published in the county where the land is to be sold, for three successive weeks, if there be one; and the publisher of such newspaper shall receive as compensation the legal rate of two (2¢) cents per word for the first insertion of such publication and one (1¢) cent per word for each subsequent insertion or such newspaper shall be entitled to charge for such publication at a rate equal to but not in excess of the lowest published word or line rate of that newspaper for classified advertising, and such fee shall be taxed as other costs of sale against such land, and the comptroller shall allow the collector such fee to be paid by the collector to the newspaper publisher in each case where the land is bid in and sold to the State. If there be no newspaper published in the county, or, there being a newspaper published in the county and the publisher thereof refuses to publish the advertisement at the price herein fixed, then the advertisement shall be made by posting the same for thirty (30) days previous to the day of sale, at the courthouse door and three other public places in the county where the land or lots are situated, giving in said advertisement such description as is given to the same on the tax rolls in his hands, stating the name of the owner if known, and if unknown say "unknown," together with the time, place, and terms of sale; said sale to be for cash, to the highest bidder, at public outcry at the courthouse door, and between legal hours, on the first Tuesday of the month.

Sec. 5. Article 7342 of Chapter 10, Title 122 of the Revised Civil Statutes of Texas shall be and the same is hereby amended so as to conform with the other provisions of this Act by reenacting the same as amended as follows:

Article 7342. Unknown or Non-Resident. Whenever the owner or owners of any lands or lots that have been or may be returned delinquent or reported sold to the State for the taxes due thereon for any year or number of years, are non-residents of the State, or the name of the owner, or owners of said lands or lots be unknown, then, upon affidavit of

the attorney for the State setting out that the owner or owners are non-residents, or that the owner or owners are unknown to the attorney for the State and after inquiry cannot be ascertained, said parties shall be cited and made parties defendant by notice in the name of the State and county, directed to "all persons owning or having or claiming any interest in the following described land delinquent to the State of Texas and county of _____, for taxes, to wit: (here set out description of the land as contained on the assessment roll and such further description obtainable in the petition)," and further stating "which said land is delinquent for taxes for the following amounts, \$—— for State taxes, and \$—— for county taxes and you are hereby notified that suit has been brought by the state for collection of said taxes, and you are commanded to appear and defend such suit at the _____ term of the district court of _____ County, and State of Texas, and show cause why judgment shall not be rendered condemning said land (or lot) and ordering sale and foreclosure thereof for said taxes and costs of suit," which notice shall be signed by the clerk and shall be published in some newspaper published in said county one time a week for three consecutive weeks. If there is no newspaper published in the county, then notice may be given by publication in a paper in an adjoining county. A maximum fee of two (2¢) cents per word for the first insertion of such publication and one (1¢) cent per word for each subsequent insertion, or not more than the lowest published word or line rate of such newspaper shall be taxed as costs in such cases, and shall be paid to the newspaper publishing said citation. If the State bids the land in at such sale, the comptroller shall allow the collector the amount of such publisher's fee to be paid by the collector to the publisher. If the publication of such citation cannot be had for such fee, then publication of the citation herein provided may be made by posting a copy at three different places in the county, one of which shall be at the courthouse door. It shall be lawful in all cases to set forth in the petition the names of all parties interested as far as ascertained, and

make them parties, and also to join and make defendants all persons having or claiming any legal or equitable interest in the land described in the petition. Such suit, after such publication, shall be proceeded with as in other cases; and whether any party or parties make defense or not on the trial of said cases, the State and county shall be entitled to prove the amount of taxes due, and shall have a decree for the sale of said land or lot as in those cases where defendant owners have been personally served and defend suit. A sale of said land or lot shall be had and be as binding as where defendants are personally served with process. In all suits for taxes due, the defendant shall be entitled to credits he can show due him for any year or number of years for which he may be able to produce receipts or other positive proof showing the payment of such taxes.

Sec. 6. If any section, subsection, paragraph, sentence, clause, or other part of this Act be held unconstitutional or invalid by any court of competent jurisdiction for any cause whatever, it is nevertheless the intention of the Legislature that such sections, subsections, paragraphs, sentences, clauses or other parts of this Act not so unconstitutional or invalid shall be enacted and that such unconstitutionality or invalidity of such section, subsection, paragraph, sentence, clause or other part, if such there be, shall not affect the validity of any other section, subsection, paragraph, sentence, clause or other part of this Act.

Sec. 7. The fact that there now exists much conflict among the various statutes of the State relating to the publication of notices, proclamations, advertisements, and citations in newspapers in the State and the fees to be charged for such publication and that such conflict is creating untold confusion in the dispatch of the business of the various departments, institutions, boards and commissions of the State and of the Counties, political subdivisions, and districts in the State, creates an emergency and an imperative public necessity that the Constitutional Rule requiring that all bills be read on three several days be suspended, and said Rule is hereby suspended, and this Act shall take effect and

be in force from and after its passage, and it is so enacted.

Mr. Davis offered the following amendment to the Committee Amendment:

Amend Committee Amendment to House Bill No. 193, by striking out the words "entered as second-class postal matter" from lines 31 and 32.

DAVIS,
McNAMARA,

Question recurring on the amendment by Mr. Davis to the Committee Amendment, it was lost.

Question then recurring on the Committee Amendment, it was adopted.

Mr. Taylor offered the following committee amendment to the bill:

Amend House Bill No. 193 by striking out all before the enacting clause and inserting in lieu thereof, the following:

A BILL

To Be Entitled

An Act amending Articles 28a, 29 and 29a of Title 1 of the Revised Civil Statutes of Texas, so as to define publication, newspaper, political sub-division, district and other terms; designating persons to select newspapers in which publications are to be inserted, and clarifying the laws of Texas concerning same; fixing a legal rate for publications in newspapers; providing for the publication of notices, proclamations, advertising, and citations in newspapers; and amending Article 3808 of Title 56 of the Revised Civil Statutes, Article 4203 of Chapter 8, Title 69 of the Revised Civil Statutes of Texas, Article 7276 of Chapter 8, Title 122 of the Revised Civil Statutes of Texas, and Article 7342 of Chapter 10, Title 122 of the Revised Civil Statutes of Texas, with respect to the legal rate of publication so as to conform with Articles 28a, 29 and 29a as amended herein, and re-enacting such Statutes as amended; providing a rule of construction; and declaring an emergency.

The committee amendment was adopted.

House Bill No. 193 was then passed to engrossment.

(Mr. Reed of Dallas in the Chair).

HOUSE BILL NO. 193 ON THIRD READING

Mr. Taylor moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 193 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—117

Allen	Hanna
Allison	Hardeman
Alsup	Harris of Dallas
Avant	Harris of Hill
Bailey	Hartzog
Bean	Heflin
Bell	Helpinstill
Benton	Henderson
Boone	Hobbs
Bridgers	Howard
Brown	Howington
Bruhl	Hoyo
Bullock	Huddleston
Bundy	Huffman
Burnaman	Humphrey
Carlton	Hutchinson
Carrington	Isaacks
Cato	Kennedy
Celaya	Kersey
Chambers	Kinard
Clark	King
Cleveland	Knight
Coker	Lehman
Connelly	Leyendecker
Craig	Little
Crossley	Lock
Crosthwait	Love
Daniel	Lowry
Deen	Lucas
Dickson of Bexar	Lyle
Dove	McAlister
Dwyer	McCann
Ellis	McDonald
Eubank	McLellan
Evans	McMurry
Favors	Manning
Ferguson	Markle
Files	Martin
Fitzgerald	Matthews
Gandy	Montgomery
Garland	Moore
Gilmer	Morris
Goodman	Morse
Halsey	Pace

Pevehouse	Spacek
Phillips	Spangler
Price	Stanford
Reed of Bowie	Stinson
Reed of Dallas	Stubbs
Roark	Taylor
Roberts	Thornton
Sallas	Turner
Senterfitt	Vale
Sharpe	Voigt
Shell	Walters
Simpson	Weatherford
Skiles	White
Smith of Bastrop	Winfree
Smith of Atascosa	

Nays—23

Baker	Kelly
Brawner	Lansberry
Bray	McGlasson
Burkett	McNamara
Davis	Manford
Dickson of Nolan	Mills
Donald	Murray
Duckett	Parker
Fuchs	Rampy
Hargis	Rhodes
Hughes	Wattner
Jones	

Absent

Blankenship	Ridgeway
Colson, Mrs.	Whitesides
Morgan	

Absent—Excused

Anderson	Klingeman
Hileman	Nicholson

The Chair then laid House Bill No. 193 before the House on third reading and final passage.

(Speaker in the Chair.)

The bill was read third time and was passed by the following vote:

Yeas—113

Allison	Carrington
Alsup	Cato
Avant	Celaya
Bailey	Chambers
Bean	Clark
Bell	Cleveland
Benton	Coker
Boone	Connelly
Bridgers	Craig
Brown	Crossley
Bruhl	Crosthwait
Bullock	Daniel
Bundy	Deen
Burnaman	Dickson of Bexar

Donald	Lyle
Dove	McAlister
Dwyer	McDonald
Ellis	McLellan
Eubank	McMurry
Evans	Manning
Favors	Markle
Ferguson	Martin
Fitzgerald	Matthews
Gandy	Montgomery
Garland	Moore
Gilmer	Morgan
Goodman	Morse
Halsey	Pace
Hanna	Pevehouse
Hardeman	Phillips
Hargis	Price
Harris of Dallas	Reed of Bowie
Harris of Hill	Reed of Dallas
Hartzog	Roark
Heflin	Roberts
Helpinstill	Sallas
Henderson	Senterfitt
Howard	Sharpe
Howington	Shell
Hoyo	Simpson
Huddleston	Skiles
Huffman	Smith of Bastrop
Humphrey	Smith of Atascosa
Hutchinson	Spacek
Isaacks	Spangler
Kelly	Stanford
Kennedy	Stinson
Kersey	Stubbs
Kinard	Taylor
King	Thornton
Knight	Vale
Lehman	Voigt
Leyendecker	Walters
Little	Weatherford
Lock	White
Love	Winfree
Lucas	

Nays—28

Allen	Lansberry
Baker	Lowry
Brawner	McCann
Bray	McGlasson
Burkett	McNamara
Carlton	Manford
Davis	Mills
Dickson of Nolan	Morris
Duckett	Murray
Files	Parker
Fuchs	Rampy
Hobbs	Rhodes
Hughes	Turner
Jones	Wattner

Absent

Blankenship	Ridgeway
Colson, Mrs.	Whitesides

Absent—Excused

Anderson	Klingeman
Hileman	Nicholson

Mr. Taylor moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

Mr. Davis raised a point of order on consideration of House Bill No. 193 on the ground that this is Senate Bill day and House Bills can not be considered except by suspension of joint rules.

The Speaker overruled the point of order on the ground that the point of order comes too late.

EXPRESSING GRATIFICATION TO
THE MADISONVILLE SIDE-
WALK CATTLEMEN'S
ASSOCIATION

Mr. Knight offered the following resolution:

H. S. R. No. 209, Expressing Gratification to the Madisonville Sidewalk Cattlemen's Association.

Whereas, The high-heeled cowboy boot has since time immemorial in this Nation, and in lands far across the sea, been the badge of the Texan; and

Whereas, True Texans have long been proud of this attire which quickly marks one of their own nativity as being the owner of money in the bank and cattle on a thousand hills; but

Whereas, The promiscuous wearing of high-heeled cowboy boots has made it impossible to distinguish between a genuine Texas cattle owner and a drugstore cowboy and city slicker; now, therefore, be it

Resolved by the House of Representatives, That it go on record as fully approving the boot-wearing regulations adopted by the Madisonville Sidewalk Cattlemen's Association, to-wit:

(1) Owner of at least two head of cattle entitled to wear boots;

(2) Owner of three head can stuff the right pants leg in;

(3) Owner of four head can stuff both pants legs in;

(4) Owner of six head can wear spurs. Yippee!

Be it further resolved, That the House of Representatives takes cognizance of and expresses gratification at the tremendous amount of publicity which the Madisonville Sidewalk Cattlemen's Association has brought to Texas from all parts of the United States in recent weeks, and that it wishes for this association a long, happy, fruitful and prosperous existence in its commendable purpose of showing Texans to the world in their true light; and be it further

Resolved, That the Chief Clerk be instructed to mail to Mr. H. B. Fox, Secretary of the Madisonville Sidewalk Cattlemen's Association, an enrolled copy of this Resolution signed by the Speaker of the House and issued under the signature and Seal of the Chief Clerk of the House.

The resolution was read second time and was adopted.

SENATE BILL NO. 20 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 20, A bill to be entitled "An Act providing a more efficient fiscal system for the State of Texas; creating a Director of the Budget, etc., and declaring an emergency."

The bill was read second time.

Mr. Stinson offered the following amendment to the bill:

Amend Senate Bill No. 20 by inserting between Sections 18 and 19, page 11, the following, and renumber the remaining sections to conform.

Sec. 19. The Governor shall be the chief budget officer of the State. He shall appoint a "Director of the Budget," with the advice and consent of the Senate as hereinafter set out. The Director of the Budget shall have had substantial experience in the field of business of a nature to qualify him to perform the duties of said office. The Director of the Budget shall serve at the will of the Governor for a term not to exceed two (2) years, such term to begin the first day of February of the year when the biennial session of the Legislature convenes; provided, how-

ever, that the term of office of the first Director of the Budget appointed hereunder shall be for a period ending February 1, 1943. Such Director of the Budget shall hold office until his successor is duly appointed and qualified. The Director of the Budget shall be the agent of the Governor in carrying out the Governor's responsibility as the chief budget officer of the State, and he shall perform his duties under the immediate direction of the Governor. The Director of the Budget may be removed by the Governor at any time, and his successor appointed by the Governor. The Director of the Budget shall receive a salary not to exceed Six Thousand (\$6,000.00) Dollars per annum.

Sec. 20. The name of the person appointed Director of the Budget shall be certified immediately by the Governor to the Secretary of State and, if the Senate be in session, to the Senate of Texas. If the Senate be not in session at the time of the appointment, then the name of the Director of the Budget shall be certified to the Senate within ten (10) days after it shall be officially convened for any purpose. The appointment shall be considered by the Senate and if the person so appointed and certified shall not receive approval of two-thirds (2/3) of the members of the Senate, he shall not be considered as approved and shall not thereafter discharge any duties of the office; and the Governor shall name some other person to such office whose name shall be certified and acted upon by the Senate in the same manner as above provided.

The Director of the Budget shall qualify by taking the Constitutional Oath of office and filing such with the Secretary of State.

Sec. 21. The Director of the Budget, with the approval of the Governor, and within the limits of the appropriation bill therefor, shall (1) select and appoint such assistants and clerical help as may be necessary to carry out the provisions of this Act; (2) fix the duties of such assistants and clerical help, and direct the performance thereof; and (3) fix the compensation of such assistants and clerical help.

Sec. 22. The head of each department, school, institution, and of the

prison system, and the head of any of the divisions or departments of government for which appropriations are made by the Legislature, shall submit to the Director of the Budget, not later than June 1 of each year preceding the regular biennial session of the Legislature, an itemized account of all items of expense for the preceding two (2) fiscal years, and an estimate of the appropriations required by such department, school or institution or by the prison system for the regular biennial appropriation made by the Legislature, which estimate shall be submitted itemized in such manner as the Governor may require.

Sec. 23. The Director of the Budget shall inspect the properties, equipment, and facilities of the various agencies of the government for which appropriations are to be made, either before or after such estimates are submitted, and consider the same and give hearings on said estimates to those who have submitted the same, and he shall obtain information from other available sources. After such hearings, the Director of the Budget shall make up an appropriation budget. The Director of the Budget shall so prepare the budget as to show the expenditures on the same lines with the appropriated amounts for the respective items, and in such form and with such other itemization as the Governor may prescribe. The list of appropriations shall be shown for the three (3) years preceding the years for which appropriations are sought and recommended for the ensuing biennium, and the expenditures shall be shown for the first two (2) of the last above mentioned years. The budget shall also show the amounts requested by the various agencies of the government and the amounts recommended by the Director of the Budget for each of the years of the ensuing biennium. When a newly elected Governor, other than the then Governor, is to be inaugurated, the Governor-elect shall have the right on or after November 10 to sit with the Director of the Budget on any and all budget hearings and in such cases the Director of the Budget shall prepare the budget in such manner as the Governor-elect shall

direct within the provisions of this Act; and this work shall always be completed before the regular biennial session of the Legislature convenes. All hearings held by the Director of the Budget while considering the budget for the various departments, institutions and agencies of the State government shall be open to the public.

Sec. 24. The Director of the Budget is hereby authorized and directed to prepare forms and blanks upon which requests for appropriations from the Legislature shall be made.

Sec. 25. Within ten (10) days after the beginning of each regular session of the Texas Legislature, the Governor shall transmit to all members of the Legislature printed copies of the budget, provided that when a newly elected Governor, other than the then Governor, is to be inaugurated, he shall transmit such budget within ten (10) days from the date he is inaugurated.

Sec. 26. Wherever in this Act duties are assigned to the Governor as the chief budget officer of this State, such duties may, by direction of the Governor, be assigned to and performed by the Director of the Budget as his representatives; and wherever in this Act duties are assigned to the Director of the Budget, it is the intention of the Legislature that in the performance of such duties the Director of the Budget shall act under the immediate direction of the Governor as the chief budget officer of this State.

Sec. 27. Sections 1 to 9, both inclusive, of Chapter 206, Acts of the Regular Session of the 42nd Legislature and all amendments thereto are repealed hereby.

REED of Dallas,
KERSEY,
TURNER,
STINSON,
CROSTHWAIT,
REED of Bowie,
TAYLOR.

Mr. Humphrey moved to table the amendment by Mr. Stinson.

Question: Shall the motion to table prevail?

ADDITIONAL SIGNER OF HOUSE Bill

By unanimous consent of the House, the following member was authorized to sign bill as co-author of same, as follows:

Mr. Pevehouse: House Bill No. 761.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

April 16th, 1941.

To the Members of the Forty-seventh Legislature:

At the suggestion of the Board of Control I submit herewith a bill which they would like to have passed at this session of the Legislature, together with a statement of their reasons for needing this legislation.

I am convinced that the enactment of this legislation will give us a much more efficient and economical management of our eleemosynary institutions and result in more tender care and humanitarian attention to our unfortunate citizens who are being cared for in these institutions.

I am submitting this as emergency legislation and trust you will give it your careful and prompt consideration.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

Attached is a proposed bill which the Board of Control feels will facilitate its handling of the Eleemosynary System of this State, and will place the Board of Control in a position to correct numerous causes of many long standing and ever recurring complaints.

The first and most pressing need in our Eleemosynary set-up is a system of caring for the inmates, which will be human instead of bestial. Complaints are continually coming to the Board of Control which set forth accounts of unbelievable treatment accorded inmates of our Eleemosynary System; accounts which picture horrible beatings, tortures, and even death. Numbers of these letters are now in the files in the office of the Board of Control, and the Board will be glad to take re-

ceipt for them from any interested committee chairman in the Legislature. The Board of Control is now powerless to correct this awful situation, as it is restrained by the permanent court injunction from discharging employees or from molesting in any way the Superintendents of any hospital.

The second in importance of the recurring complaints has reference to the food which is served from the kitchens into the dining rooms; its preparation, quality and quantity. The Board has found that it is unable to place graduate dietitians in the institutions, except in one or two instances, and where these are placed, the Board has been unable to give them the authority to make necessary corrective changes.

The third complaint, which the Board would like to see corrected, is a charge which is likely applicable to the majority of our institutions, and that is that waste exists which could be corrected, and proper care of the State's property is not existing and that through lack of attention and business experience money has been unwisely expended. The Board at this time is powerless to correct this situation.

The Board now has responsibility but no authority. This bill gives the Board the authority which is the necessary complement of responsibility.

Some of our institutions are cities within themselves, which are larger than many of the County Seats in Texas, and spend an average of approximately \$2000 per day and contain many of the business activities that will be found in a city. Our old system places a doctor in charge of these business activities. This bill allows the Board to place a business manager in charge of these institutions, and this system has been successfully used by the Federal government and numbers of other hospitals. Our old system has required the superintendent, who is trained in the care and treatment of patients, to spend practically his entire time in the business management of the institution. Two things have resulted:

1. He has not been trained as a business man and, therefore, in gaining his business experience many of his activities have been costly to the State.

2. As his time is taken up with

business activities, the value of his training in the care and treatment of patients has been lost as this care has been delegated to subordinate physicians and in many cases superintendents have not had time to make regular, adequate check ups on the patients of their hospitals. The resulting situation under the old system ends with poor care of the patients and poor business management, as the general rule rather than the exception, which exists in some cases.

The attached bill allows the Board of Control to correct such situations by placing a business manager at the head of the institutions as a subordinate employee of the Board, and he has full authority to manage the hospital in all of its detail and also authority to recommend to the Board of Control a medical director, whose entire time may be spent in the care and treatment of the patients, and who has authority to select a competent dietitian and properly manage the kitchens and dining rooms.

HARRY KNOX,

Chairman State Board of Control.

TEXT OF BILL SUBMITTED
BY GOVERNOR

H. B. No. —,

A BILL

To Be Entitled

An Act prescribing the powers and duties of the State Board of Control with reference to the operation and maintenance of all State Eleemosynary Institutions, providing for the appointment of superintendents, medical directors, and storekeepers and accountants, prescribing their duties, and prescribing the method for removal of all officers and employees; repealing articles 636, 637, 690, 691, 692, 693, 3175, 3176, 3184, 3190, 3207, 3220, 3222, 3223, 3234, 3239, 3252, 3253, section 6 of article 3254a, 3255, section 4 of article 3259a, 5120, 5122 and 5133 of the Revised Civil Statutes of the State of Texas, Vernon's Annotated Edition, and all other laws or parts of laws in conflict herewith, and containing a saving clause and an emergency clause, and providing an effective date hereof.

Be It Enacted by the Legislature of
of the State of Texas:

Section 1. The Board of Control shall have the power:

(a) To make rules and regulations for the governing of all State eleemosynary institutions, not inconsistent with the constitution and laws;

(b) To appoint all superintendents and medical directors, dietitians, and other employees of such institutions, and fix their salaries and wages;

(c) To discharge any officer or employee of such institutions when such action is deemed advisable;

(d) To make all contracts and necessary arrangements for the erection of buildings or improvements upon the grounds of the institutions;

(e) To examine and approve or reject any vouchers or accounts of the superintendents;

(f) To take and hold in trust any gift or devise of real or personal estate for the benefit of such institution and apply same as the donor or deviser may direct;

(g) It shall make rules and regulations governing requirements for admission of wards into State orphan homes, and failure to meet such requirements shall render the applicant ineligible for admission into such homes;

(h) The Board of Control shall maintain an effective inspection of each institution under its management, and shall direct the manner in which their revenue shall be disbursed;

(j) The Board shall appoint the Chief of the Eleemosynary Division of the Board of Control, who shall have had not less than five years experience in the care and the treatment of mentally ill persons and shall have a general knowledge of hospital management.

Sec. 2. The superintendent of each institution shall be the business manager of said institution and shall have had practical business experience, and shall reside at the institution. He shall be a subordinate employee of the Board, and shall serve at the pleasure of the Board, with an indefinite term of office. Each superintendent, after employment, shall enter into bond in the sum of ten thousand (\$10,000.00)

dollars, payable to the State of Texas, such bond to be approved by the Attorney General, and conditioned for the faithful performance of all the duties of said office. Such bond shall be filed in the office of the Board of Control, and shall not become void on first recovery thereon, but may be sued upon until the full amount thereof is recovered.

Sec. 3. Each superintendent shall be the administrative head of the institution to which he is appointed. It shall be his duty to operate said institution in compliance with rules and regulations prescribed by the Board of Control.

Sec. 4. The Board of Control shall appoint for each hospital a medical director, who shall have had practical experience in the care and treatment of the type of persons in such hospital.

Sec. 5. The medical director shall be solely responsible for the care and treatment of the inmates of such institution, and shall make recommendations to the superintendent on all discharges from such institution, and his duties in no wise shall be administrative or shall conflict with the business management of the institution, which shall be the duties of the superintendent.

Sec. 6. The Board of Control shall appoint a storekeeper and accountant who shall, after appointment, enter into bond in the sum of ten thousand (\$10,000.00) dollars, payable to the State of Texas, such bond to be approved by the Attorney General, and conditioned for the faithful performance of all the duties of said office. Such bond shall be filed in the office of the Board of Control, and shall not become void on first recovery thereon, but may be sued upon until the full amount thereof is recovered. Such storekeeper and accountant shall be appointed for an indefinite term, and shall be subordinate employee of the Board of Control, and may be removed by the Board at any time the Board deems such action advisable.

Sec. 7. That articles numbers 636, 637, 690, 691, 692, 693, 3175, 3176, 3184, 3190, 3207, 3220, 3222, 3223, 3234, 3239, 3252, 3253, section 6 of article 3254a, 3255, section 4 of article 3259a, 5120, 5122 and 5133 of the Revised Civil Statutes of the State of Texas, Vernon's Anno-

tated Edition, and all other laws or parts of laws in conflict herewith, are specifically repealed.

Sec. 8. If any section, sentence, clause, or part of this Act shall, for any reason be held to be invalid, such decision or holding, shall not affect the remaining portions of this Act, and it is hereby declared to be the intention of the legislature to have passed each sentence, section, clause, or part thereof irrespective of the fact that any other sentence, section, clause, or part thereof, may be declared invalid.

Sec. 9. The fact that a necessity exists for a more business-like and efficient method in the management and conduct of said institutions, and for a closer cooperation between the State Board of Control and the officers and employees of the several institutions, creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force on, from and after September 1, 1941, and it is so enacted.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 20, "An Act providing for licensing of operators, commercial operators and chauffeurs; defining certain terms; providing for certain exemptions; prohibiting issuance of licenses to certain persons; making it unlawful for certain persons to operate a school bus or any motor vehicle while in use as a public or common carrier of persons; providing for application for operators', commercial operators' and chauffeurs' licenses; providing for signing of application of minors and cancellation of minors' license upon application, and/or death of signatory; providing for examinations of applicants for operators', commercial operators' and chauffeurs' licenses; providing for the issuance of operators', commercial operators' and chauffeurs' licenses, and duplicates thereof; providing for the issuance of restricted operators', commercial

operators' and chauffeurs' licenses, providing a penalty for a violation of the restrictions imposed and for the revocation or suspension of restricted licenses; relating to the carrying of a license by the licensee and exhibiting same, etc., and declaring an emergency."

H. B. No. 271, "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1941, and ending August 31, 1943; requiring certain fees paid to clerks or officers of all Appellate Courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion; and declaring an emergency."

H. B. No. 904, "An Act making an appropriation of the sum of Three Hundred Thousand (\$300,000) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expense, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committee, as follows:

By Mr. Eubank:

H. B. No. 914, A bill to be entitled "An Act to amend an Act of the Forty-fourth Legislature, creating a Special Road Law for Childress County, Texas, being Chapter 435, of the General and Special Laws passed by the Forty-fourth Legislature, at its Second Called Session in 1935, by adding thereto four new sections, authorizing Childress County to fund or refund the warrant indebtedness outstanding against its Road and Bridge Fund as of April 10, 1941, by the issuance of refunding bonds, and set-

ting forth the method of operation; validating all acts of the Commissioners Court and of the county officials in authorizing, executing, and delivering said warrants; providing that this Law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Clark:

H. B. No. 916, A bill to be entitled "An Act providing that it shall be unlawful to buy or sell certain fish caught in Stephens County; any person found guilty of this Act shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00); and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. McGlasson, Mr. Bundy, Mr. Moore, Mr. Burkett, Mr. Davis, Mr. Whitesides, Mr. Goodman, Mr. Hudleston, Mr. Favors, Mr. Dove, Mr. Ridgeway, Mr. Allison, Mr. Garland, Mr. White, Mr. Fitzgerald, Mr. Stubbs, Mr. Hobbs and Mr. King:

H. B. No. 917, A bill to be entitled "An Act prescribing the powers and duties of the State Board of Control with reference to the operation and maintenance of all State Eleemosynary Institutions, providing for the appointment of superintendents, medical directors, and storekeepers and accountants, prescribing their duties, and prescribing the method for removal of all officers and employees; repealing Articles 636, 637, 690, 691, 692, 693, 3175, 3176, 3184, 3190, 3207, 3220, 3222, 3223, 3234, 3239, 3252, 3253, Section 6 of Article 3254a, 3255, Section 4 of Article 3259a, 5120, 5122 and 5133 of the Revised Civil Statutes of the State of Texas, Vernon's Annotated Edition, and all other laws or parts of laws in conflict herewith, and containing a saving clause and an emergency clause, and providing an effective date hereof."

Referred to the Committee on State Eleemosynary and Reformatory Institutions.

By Mr. Manning, Mr. Helpinstill, and Mr. Hargis:

H. B. No. 918, A bill to be entitled "An Act applicable to all counties in this State having a population of not less than fifty thousand, nine hundred and fifty (50,950), nor more than fifty-one thousand, one hundred (51,100), in all counties having a population of not less than thirty-four thousand (34,000), nor more than thirty-five thousand (35,000), in all counties having a population of not less than ten thousand, seven hundred, seventy-five (10,775), nor more than ten thousand, nine hundred (10,900), and in all counties having a population of not less than twenty-nine thousand, two hundred, twenty-five (29,225), nor more than twenty-nine thousand, two hundred, forty (29,240), according to the last Federal Census, and prescribing the time and place of meeting of the County Board of School Trustees in such counties; providing for compensation to the members of the County Board of School Trustees in such counties and prescribing the fund from which such compensation shall be paid; providing that this Act shall be cumulative of all existing laws on this subject when not in conflict herewith and that all laws or parts of laws in conflict herewith are repealed; and declaring an emergency."

Referred to the Committee on Education.

Mr. Evans asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 915.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate Committee, as follows:

By Mr. Evans:

H. B. No. 915, A bill to be entitled "An Act amending Chapter 7, Title 93, of the Revised Civil Statutes of Texas, as amended, by adding a new article to be numbered Article 5708a, providing for the appointment of

county sealers and deputy county sealers of weights and measures, at the discretion of the commissioners court, in any county in Texas; providing that the salaries for such county sealers and deputy sealers shall be set by the commissioners court and not to be less than \$1500 a year; providing that no fee shall be charged by such sealers or by the county; defining the authority, duties and responsibilities of such county sealers and deputies; providing that two or more counties, or a county and a city situated therein, may combine the whole or any part of their district, for the purpose of appointing one sealer, upon the written consent of the Commissioner of Agriculture and declaring an emergency."

Referred to the Committee on Counties.

Mr. White asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 919.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate Committee, as follows:

By Mr. White:

H. B. No. 919, A bill to be entitled "An Act amending Articles 6869 of the Revised Civil Statutes of 1925 as amended by Acts of the 41st Legislature, 1929, making provision under the amendment of said article for the appointment of deputies, assistants, clerks or stenographers for county judges, sheriffs, county clerks and county and district clerks, providing compensation for such deputies, assistants, clerks or stenographers, and declaring an emergency."

Referred to the Committee on Counties.

ADJOURNMENT

Mr. Pace moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

Mr. Kersey moved that the House recess until 2:30 o'clock p. m. today.

Mr. Eubank moved that the House recess until 3:00 o'clock p. m. today.

The motion to adjourn prevailed and the House accordingly at 12:20 o'clock p. m. adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills, as follows:

Game and Fisheries: House Bill Nos. 682, 892, 893, 903 and 906; Senate Bill Nos. 373, 418 and 422.

Appropriations: Senate Bill No. 402.

State Affairs: Senate Bill Nos. 292 and 406.

Criminal Jurisprudence: House Bill Nos. 14, 85, 377, 644, and 722.

Municipal and Private Corporations: House Bill No. 458.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, April 16, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 271, "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1941, and ending August 31, 1943; requiring certain fees paid to clerks or officers of all Appellate Courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 16, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 20, "An Act providing for licensing of operators, commercial operators, and chauffeurs; defining certain terms; providing for certain exemptions; prohibiting issuance of licenses to certain persons; making it unlawful for certain persons to operate a school bus or any motor vehicle while in use as a public or common carrier of persons; providing for application for operators', Commercial operators', and chauffeurs' licenses; repealing Subsection (c) of Section 4 of Article 911A and Subsection (b) of Section 4 of Article 911B, Revised Civil Statutes; providing for signing of application of minors and cancellation of minor's license upon application and/or death of signatory; providing for examinations of applicants for operators', commercial operators', and chauffeurs' licenses and providing the Director shall have the authority to re-examine licensee when said licensee is found incapable of operating a motor vehicle; providing for the issuance of operators', commercial operators', and chauffeurs' licenses, and duplicates thereof; providing for the issuance of restricted operators', commercial operators', and chauffeurs' licenses; providing a penalty for a violation of the restrictions imposed and for the revocation or suspension of restricted licenses; relating to the carrying of a license by the licensee and exhibiting same; prescribing the amount of fees and providing for the collection of same by the Department of Public Safety and the disposition of same; providing for the time of expiration of licenses and for renewal of same; providing for notice to the Department of changes of address or name of licensee; providing for certain records to be kept by the Department of Public Safety; relating to the authority of the Department of Public Safety to suspend, revoke, or cancel licenses; providing for time, place and manner of holding hearings before the Department of Public Safety; providing for the period of suspen-

sion by the Department; providing for the automatic suspension of licenses upon conviction of certain offenses; providing for the surrender and return of license to the Department upon suspension; providing for court to forward license to Department and report convictions and defining "conviction" and providing that a suspended sentence shall not mitigate against automatic suspension of license on conviction of certain offenses; prohibiting the operation of motor vehicle under foreign license during suspension or revocation in this State; providing authority of the Department of Public Safety to suspend or revoke license and to suspend privileges of nonresidents and report convictions, and to suspend resident license upon conviction in another State; providing for the cancellation of licenses under certain conditions; providing for the right of appeal when license denied or cancelled, suspended or revoked by Department, except where such suspension or revocation is automatic; providing the filing of the petition of appeal shall abate said suspension until the trial herein provided for shall have been consummated and final judgment thereon is had; providing the trial on appeal shall be a trial de novo and the licensee shall have the right of trial by jury and his license shall not be suspended pending the appeal; prohibiting the driving of motor vehicle while license or privilege is cancelled, suspended or revoked; making it unlawful to commit certain other acts; providing authority of the Department of Public Safety to require accident reports and providing a penalty for failure to report; providing for forms of accident statistics and reports and making such reports confidential; providing for a penalty for violation of the Act, and providing for a maximum fine in certain instances; repealing all laws and parts of laws in conflict herewith, and particularly Senate Bill No. 15, Chapter 466, Page 1785, General Laws, Second Called Session, Forty-fourth Legislature, as amended by House Bill No. 16, Chapter 369, Page 752, Regular Session, Forty-fifth Legislature; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 16, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 904, "An Act making an appropriation of the sum of Three Hundred Thousand Dollars (\$300,000), or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expense, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, April 15, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 284, A bill to be entitled "An Act appropriating Seven Million, Three Hundred Eighty-three Thousand and Ninety-four Dollars, (\$7,383,094) per year, or so much thereof as may be necessary, for the biennium beginning September 1, 1941, and ending August 31, 1943, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State; providing for the allotment and expenditure by the State Superintendent of Public Instruction of such funds under the direction and advice of a Joint Legislative Advisory Committee; providing for the transfer of unexpended balances for the year ending August 31, 1942, to the appropriation for the year ending August 31, 1943; attaching conditions, regulations, and limitations relative

to the expenditure of such appropriations; providing that schools with certain scholastic population, schools with certain consolidations, and schools within certain defined areas may be eligible for aid under the terms of this Act under certain limitations; providing that schools within two and one-half ($2\frac{1}{2}$) miles of each other should not receive aid; making certain provisions for steel-bodied busses; providing for a teacher-pupil load for schools receiving aid under the provisions of this Act; providing for average daily attendance for schools receiving aid under the provisions of this Act; providing for certain tax levies for schools receiving aid under the provisions of this Act; providing certain salary schedules as set out by the terms of this Act; providing for length of terms of schools receiving aid under the provisions of this Act, providing the method and manner of paying high school tuition and that same shall be paid according to the provisions of House Bill No. 158, General Laws of the Regular Session, Forty-fourth Legislature, as amended; providing a method of paying high school tuition for high school students transferred from Waco State Home and the school district in which the State Training School for Boys is located; making special provision for school districts containing National Forests or University lands; exempting school attended by Alabama Indians in Polk County from tax provisions; providing for a system of transportation aid in Texas and the method and manner of paying for same; providing for the administrative costs of administering this Act and making certain allocations therefor; providing for the powers of the State Superintendent of public instruction and the Joint

Legislative Advisory Committee relating to the administration of this Act; providing the method and manner of making application for aid and declaring that all applications so made shall be paid only on the basis of budgetary need shown therefor; defining sparsely settled districts; providing the method and manner of disbursing the allocations herein made; providing for certain miscellaneous provisions; providing the method and manner of reducing applications for aid; granting the Joint Legislative Advisory Committee certain other powers and duties; declaring that should any power or duty of said Committee become inoperative or unperformable for any purpose that said duties or powers shall be performed by the State Board of Education; providing for the method and manner of paying certain exceptions to the general law granting salaries, tuition or transportation aid; providing for certain duties of the State Auditor; providing for the method and manner of payment for such services; providing for the payment of the actual necessary expenses of the Committee created herein and that same shall be paid out of the contingent expense of the Forty-seventh Legislature; repealing all laws or parts of laws in conflict herewith; providing for a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

SENT TO THE GOVERNOR

April 16, 1941

House Bill No. 20.

House Bill No. 271.

In Memory of
Judge George E. Christian

Mr. Lansberry offered the following resolution:

H. S. R. No. 210, In Memory of Judge George E. Christian.

Whereas, Another of Texas' great public men, our beloved Judge George E. Christian, Commissioner to the Court of Criminal Appeals, has been called from his earthly labors to eternal rest; and

Whereas, Judge Christian was a well known and well esteemed public servant and served his State as District Attorney of the District of which Burnet is a part, for many years, and has since that time for many years been a member of the Commission of Criminal Appeals; and

Whereas, Judge Christian has rendered long, brilliant and faithful service to this State and his passing is a great loss to the people of this State; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, That we acknowledge the loss of this outstanding public servant; that a copy of this resolution be spread upon the memorial pages of the House Journal to serve in some measure the acknowledgment of the debt Texas owes and the tribute Texas pays to a fine and true citizen and public official; and be it further

Resolved, That the Chief Clerk of the House of Representatives send the family of the deceased a copy of this resolution under the Seal of the House; that when the House of Representatives adjourns today that it do so in solemn tribute to a man whose name shall long live in the conscience of this State and the affections of his friends and sorrowing family.

LANSBERRY,
BRUHL,
SETERFITT,
PHILLIPS,
CARRINGTON,
STANFORD,
KELLY,
HUGHES.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Anderson, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bullock, Bundy, Burkett, Burnaman, Carlton, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris

of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Humphrey, Hutchinson, Isaacks, Jones, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurry, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Price, Rampsy, Reed of Bowie, Reed of Dallas, Rhodes, Ridgeway, Roark, Roberts, Sallas, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Lyle, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.